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15 UNITED STATES DISTRICT COURT  
16 EASTERN DISTRICT OF CALIFORNIA

17 MICHAEL JAMES PRATT, ) Case No. 2:23-cv-02361-AC  
18 Plaintiff, )  
19 vs. )  
20 COMMISSIONER OF SOCIAL SECURITY, )  
21 Defendant. )  
22 \_\_\_\_\_)

23 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
24 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount  
25 of EIGHT THOUSAND DOLLARS AND ZERO CENTS (\$8,000.00) under the Equal Access to  
26 Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of FOUR HUNDRED AND  
27 TWO DOLLARS (\$402.00) under 28 U.S.C. § 1920. This amount represents compensation for all  
28 legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in  
accordance with 28 U.S.C. §§ 1920; 2412(d).

Stipulation; [Proposed] Order  
2:23-cv-02361-AC

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel Francesco Benavides (Counsel). Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and costs to be made directly to Counsel, Francesco Benavides, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel, including Counsel's law office and any associates, may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Dated: March 7, 2024

## LAW OFFICES OF FRANCESCO BENAVIDES

By: /s/ Francesco Benavides\*  
FRANCESCO BENAVIDES  
Attorneys for Plaintiff  
[\*As authorized by e-mail on Mar. 7, 2024]

Dated: March 11, 2024

PHILLIP A. TALBERT  
United States Attorney

By: /s/ Margaret Branick-Abilla  
MARGARET BRANICK-ABILLA  
Special Assistant United States Attorney  
Attorneys for Defendant

1                   **[PROPOSED] ORDER**  
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4 Pursuant to stipulation, IT IS SO ORDERED.  
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6 Dated: March 11, 2024  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE